THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 20398 of 2006

Dated: 28.09.2006

Between:

J. Chitambari, S/o J. Sanjappa, aged 49 years, Occ: Driver, E.No.107867, R/o D.No.1-533, R.K. Nagar, Ananthapur.

.... PETITIONER

AND

The Vice Chairman and Managing Director, A.P. State Road Transport Corporation, Musheerabad, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 20398 of 2006

Order:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

The petitioner states that while he was working as driver in the respondents-Corporation, as he was declared as unfit to hold the said post, vide order dated 17.08.2006, and was not allowed to discharge his duties, on the ground of defective vision, and not provided any alternative employment as per the provisions of Section 47 of the Persons with Disabilities (equal opportunity, protection of rights, full participation) Act, 1995 (for short 'the Act'), he made a representation dated 21.08.2006 requesting the respondents-Corporation to provide alternative employment, but so far no orders thereon have been passed. Hence, he filed the present writ petition.

A Division Bench of this Court in ***N. Siva Kumar v. APSRTC, Musheerabad, Hyderabad***[1], considered similar issue and directed the authorities to consider the case of the employee in the light of the provisions of the Act for alternative employment. The relevant portion reads as under;

> "Having regard to the fact that a right has been conferred upon the appellant herein under a statute, although the question raised herein has not been raised before the learned single Judge, we, in modification of the order passed by the learned single Judge, direct the appellant herein to file a representation, if not already filed, before the appropriate authority seeking the relief prayed for in this appeal, and on receipt of such a representation, the appropriate authority may consider the case of the appellant in the light of the aforementioned provisions and the decisions referred to

> hereinbefore, and pass an appropriate order at an early date, preferably within a period of four (4) weeks from the date of communication of this order."

In that view of the matter, I deem it appropriate to dispose of the writ petition with the following direction.

The respondents-Corporation is directed to consider the representation, dated 21.08.2006, of the petitioner for providing alternative employment in lieu of his medical unfitness in the light of the provisions under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and pass appropriate orders thereon, expeditiously.

The writ petition is accordingly disposed of. No costs.

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N.V. RAMANA, J.

Date: 28.09.2006
Nsr/lsl

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[1] 2001 (3) ALD 166 (DB)